

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAMAR A. GRIFFIN,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-4670
	:	
SETH BETANCOURT, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this  day of November, 2019, upon consideration of Plaintiff Lamar A. Griffin's Motion to Proceed *In Forma Pauperis* (ECF No. 5), his Prisoner Trust Fund Account Statement (ECF No. 6), his *pro se* Complaint (ECF No. 2), and Exhibits (ECF No. 7) it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Lamar A. Griffin, #19002141, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Griffin's inmate account; or (b) the average monthly balance in Mr. Griffin's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Griffin's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Mr. Griffin's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of George W. Hill Correctional Facility.
4. The Complaint is **DEEMED** filed.
5. The Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum, with the exception of the following claims:

- a. Mr. Griffin's claims against the George W. Hill Correctional Facility are **DISMISSED WITH PREJUDICE**.
- b. Mr. Griffin's claims against Seth Betancourt for deliberate indifference to his medical needs are not dismissed at this time.

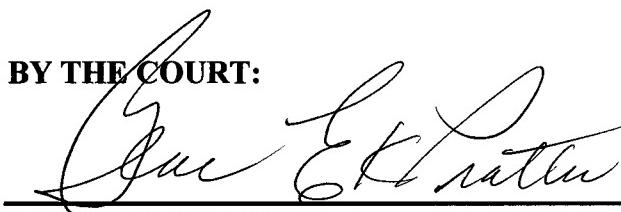
6. Mr. Griffin may file an amended complaint within thirty (30) days of the date of this Order in the event he can cure the defects in his claims against Defendants Jeff Withelder, Dr. Phillips, Nurse Shelly, and Mariel Trimble. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Mr. Griffin's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 19-4670. If Mr. Griffin files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Mr. Griffin's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. When drafting his amended complaint, Mr. Griffin should be mindful of the Court's reasons for dismissing his claims as explained in the Court's

Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court is **DIRECTED** to send Mr. Griffin a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Griffin may use this form to file his amended complaint if she chooses to do so.

8. If Mr. Griffin does not file an amended complaint the Court will direct service of his initial Complaint on Defendant Seth Betancourt only. Mr. Griffin may also notify the Court that he seeks to proceed on that claim rather than file an amended complaint. If he files such a notice, Mr. Griffin is reminded to include the case number for this case, 19-4670.

BY THE COURT:


Gene E.K. Pratter
GENE E.K. PRATTER, J.